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Testimony by Evelyn Nunez for the Labor and Public Employees Committee

Senator Osten, Representative Tercyak and Members of the Committee:

My name is Evelyn Nunez and I am testifying in favor of House Bill 5071 "An Act Concerning Civil Actions Against An Employer For Failure To Pay Wages." I am also testifying in favor of Senate Bill 32 "An Act Concerning Working Families' Wages."

I am currently the president of MEChA de Yale, a student activism group on campus that focuses on social justice issues affecting marginalized communities of color, particularly Latino communities. I have been involved in this organization since the beginning of my college career and this group's continued collaboration with Unidad Latina en Accion, a grassroots organization in New Haven that defends the rights of workers and immigrants, has allowed me to hear first hand about the continued abuses that happen in workplaces around New Haven. My freshman year I heard the stories of workers in the construction industry who were owed a total of about \$84,000 by a company who simply left the project once completed without giving workers payment for their labors. These past several months I have also been extremely involved in the case of an abusive employer who only paid his workers \$4-\$6 an hour and forced them to work long hours of overtime. Workers reported even having to work for 24 hours at a time without ever receiving proper overtime or minimum wage. Wage theft had been happening for years in our community and nothing was done about it. A brave worker came forward to report the abuses, but the settlement of this case has taken an incredibly long time with very little results for those workers who were victims. A settlement was reached with the owner of this establishment, Gourmet Heaven, but it was way below the actual amount owed to workers. Part of this is due to the fact that Connecticut Law only allows workers to file a complaint for up to two years back, even though workers were being robbed of wages for several years prior to that period.

Chung Cho, the owner of this establishment, was not a cooperative participant in this investigation and actively held up proceedings to avoid paying. In response, students and community leaders launched weekly protests to pressure the owner to abide by Connecticut labor laws and treat workers with dignity. Even after being the target of much pressure and scrutiny from the Department of Labor, New Haven community members, students, and officials from University Properties (the branch of Yale administration that oversees his lease), Cho continued to violate laws by not paying proper overtime wages and firing workers in retaliation for cooperating with the Department of Labor. Current labor laws were not enough to keep Cho from continuing to violate the law.

Studies have also shown that case like that of Gourmet Heaven are not isolated cases. In a report entitled *Broken Laws, Unprotected Workers* by the National Employment Project, researchers found that 26% of low-wage workers in the US report being paid less than the minimum wage, and 76% of those who work more than 40 hours per week report not being paid the required overtime. This is a national epidemic that needs a solution now.

I support House Bill No. 5071 because employers get away with wage theft all too frequently. The penalties are so small that employers are not afraid to break the law over and over again, as demonstrated in the above wage theft case at Gourmet Heaven. The penalties enforced by government bodies were not enough to deter this employer from continuing the abuse. This graveness of this situation was such that community members felt the need to play a hand in the matter. This show of collective community action is important as it show the power of collective unity, but it also demonstrates that current laws are not effective enough. Our community can play a hand in ensuring equal economic opportunity, but this duty is also something that the people have entrusted to our government. It is time that current policies reflect commitment to this responsibility.

I also support Senate Bill No. 32 because we need a higher minimum wage. The current minimum wage for low-wage workers keeps this sector of the population below the poverty line. Those individuals who only make the minimum wage struggle to survive, and this wage effectively keeps these individuals in a vicious cycle of poverty from which there is no clear end in sight. Low-wage workers provide valuable services like food production, food packaging, manufacturing, and so on that allow our society to continue to move forward everyday. The wages of these workers should reflect the value of the services they offer, and it should ensure that just like they allow the day-to-day lives of others to move forward smoothly, they should be able to lead their daily lives without want or need of basic necessities.

I also urge the committee to raise the minimum wage for tipped workers. Last year, the wage for tipped workers in Connecticut was *lowered* to \$5.69 an hour. This decrease effectively made it easier for employers to take the hard earned tips of workers and pocket them for themselves. As highlighted earlier, wage theft is a huge issue confronting our communities, and laws like these will only allow the prevalence of these abuses to grow. In addition, the tip that tipped workers receive fluctuates consistently, and workers constantly live in the uncertainty of whether or not they will make a decent wage for the day. Restaurant owners are required to make up any tips that are not given to tipped workers by customers, but the reality is that this rarely happens. Therefore, I urge the committee to support S.B. No. 32 and H.B. No. 5071. I further urge the committee to establish tipped minimum wage to at least 70%.

I urge you to support HB 5071, SB 32 and HB 5069, and to guarantee a fair minimum wage for tipped restaurant and hotel workers.